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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,340	03/01/2004	Daniel A. Fratello	1013/US/3	2403

20686 7590 07/31/2007
DORSEY & WHITNEY, LLP
INTELLECTUAL PROPERTY DEPARTMENT
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DENVER, CO 80202-5647

EXAMINER

STINSON, FRANKIE L

ART UNIT	PAPER NUMBER
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1746

MAIL DATE	DELIVERY MODE
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07/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/791,340

Applicant(s)

FRATELLO ET AL.

Examiner

FRANKIE L. STINSON

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4 and 6-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4 and 6-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

1. The indicated allowability of claims 1, 4 and 6-8 is withdrawn in view of the newly discovered reference(s) to Coson, Jager and Fabbri et al.. Rejections based on the newly cited reference(s) follow.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jager (U. S. Pat. No. 5,332,155) in view of either Fabbri et al. (U. S. Pat. No. 5,328,097) or Gibson et al. (U. S. Pat. No. 3,179,117).

Re claims 1 and 4, Jager is cited disclosing a method/apparatus for increasing an impact force of fluids impacting a surface of an article to be cleaned after having been emitted from a nozzle (see figs. 1, 3, 4, 6, 7, 8, 9), said nozzle having a nozzle body (1) with a hollow interior, a connector (1.1) attached to the nozzle body for fluidly coupling to a source of fluid under pressure, one or more passageways (10.1, 26, 24a, 10a, 36) extending from the connector into the hollow interior, the one or more passageways being configured to induce a fluid vortex within said nozzle body with a rotational velocity of a predetermined speed and a nozzle member (5) including a nozzle orifice (12) through which fluids are emitted from the nozzle, the nozzle member being substantially contained within said hollow interior for rotation substantially in unison with the fluid vortex during operation, comprising the step of reducing the rotational speed of said nozzle (col. 3, lines 25-30), that differs from the claims only in the recitation of the

nozzle being for use in a vehicle wash system. Gibson and Fabbri (col. 1, lines 13-15) disclose the use of a nozzle in a vehicle wash system. It therefore would have been obvious to one having ordinary skill in the art to modify the arrangement of Jager, to be used in a vehicle wash system as taught by either Gibson or Fabbri, for the purpose of providing effective cleaning. It is known that as the impetus of the washing fluid is increased, the washing effectiveness/efficiency is also increased. The nozzle as disclosed by Jager teaches such an impetus.

4. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claim 1 and 4 above, and further in view of Coson (U. S. Pat. No. 3,272,437).

Claim 6 defines over the applied prior art only in the recitation of the speed being reduced by the size of the passageway. Coson (col. 4, lines 30-40) discloses that it is old and well known that the speed can be regulated by the size of the passageways. It therefore would have been obvious to one having ordinary skill in the art to modify the arrangement of Jager, to be as taught by Coson, for the purpose of regulating the speed as desired. Re claims 8, Coson discloses the different angles (as at 82, see fig. 2).

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claim 1 and 4 above, and further in view of Larsen (U. S. Pat. No. 5,975,430).

Claim 7 defines over the applied prior art only in the recitation of the speed being reduced by the angle of the passageway. Larsen (col. 12 lines 50-58) discloses that it is old and well known that the speed can be regulated by the angle of the passageways. It

therefore would have been obvious to one having ordinary skill in the art to modify the arrangement of Jager, to be as taught by Larsen. for the purpose of regulating the speed as desired.

6. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Ratell, Jr., Szucs, Johnson, Jager'592, and Wesch et al., note the nozzles.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (571) 272-1308. The examiner can normally be reached on M-F from 5:30 am to 2:00 pm and some Saturdays from approximately 5:30 am to 11:30 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr, can be reached on (571) 272-1700. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

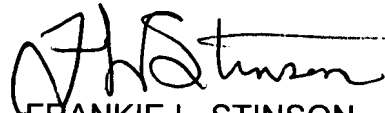
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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Electronic Business Center (EBC) at 866-217-9197 (toll-free).

fls



FRANKIE L. STINSON
Primary Examiner
GROUP ART UNIT 1746

